

PATENT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Case No. 04-1029-A)

In re Application of:

Druzgala, et al.

Serial No.: 10/624,659

Filed: July 21, 2003

For: Materials and Methods
For Treating Hypercholesterolemia

Before the Examiner:
Amelia A. Owens

Art Unit: 1625

PETITION UNDER 37 C.F.R. § 1.48(a) TO CORRECT INVENTORSHIP

Commissioner for Patents
P. O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.48(a), applicants request that the inventorship for the above-identified patent application be amended by adding Dr. Jurg R. Pfister, 1500 Oak Ave., Los Altos, CA 94024, U.S.A. to the list of inventors. Should the Examiner believe a discussion of this matter would be helpful, she is invited to telephone the undersigned at (312) 913-2114.

Dated: March 16, 2005

Respectfully submitted,

By: Brad Crawford
Bradley W. Crawford
Reg. No. 50,494

03/22/2005 RFEKADU1 00000036 10624659

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McDonnell Boehnen
Hulbert & Berghoff
300 South Wacker Drive
Chicago, Illinois 60606
(312) 913-0001



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**STATEMENT OF JURG R. PFISTER IN SUPPORT OF
PETITION UNDER 37 C.F.R. §1.48(a)**

Commissioner for Patents
P. O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

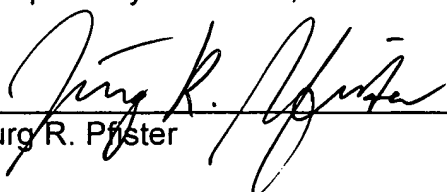
I, Jurg R. Pfister, submit this statement in support of the petition under 37 C.F.R. §1.48(a) to correct the inventorship of the above-identified patent application.

I state that the error of failing to include me as an inventor of the above-identified patent application occurred without deceptive intent on my part.

Respectfully submitted,

Dated: Feb. 26, 2005

By:


Jurg R. Pfister



PATENT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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)	
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For Treating Hypercholesterolemia)	
)	

**CONSENT OF ASSIGNEE SUBMITTED IN SUPPORT OF
PETITION UNDER 37 C.F.R. §1.48(a)**

Commissioner for Patents
P. O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

Aryx Therapeutics is the assignee of the entire right, title, and interest in the patent application identified above, by virtue of assignment from the inventors, Pascal Druzgala and Xiaoming Zhang, to Aryx Therapeutics. The assignment was recorded in the United States Patent and Trademark Office at REEL/FRAAME 013930/0374 on August 29, 2003.

I, Peter G. Milner, the Chief Executive Officer and Chairman of Aryx Therapeutics, have the authority to act on behalf of the assignee, Aryx Therapeutics, in the specific matter of consenting to correct the inventorship of the above-identified

application.

Aryx Therapeutics consents to Dr. Jurg R. Pfister being added as an inventor of the above-identified application.

Respectfully submitted,

Dated: 3/8/2005

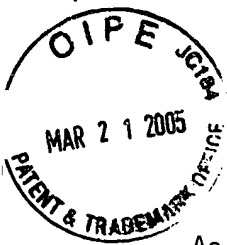
By: Peter G. Milner

Peter G. Milner

~~CEO and Chairman,~~

Aryx Therapeutics

PRESIDENT
PGM



Case No.: 04-1029-A

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Materials and Methods for Treating Hypercholesterolemia

the specification of which has been assigned as United States Application Serial Number **10/624,659**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
1.			
2.			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	<u>Application Number</u>	<u>Filing Date</u>
1.	60/397,076	July 19, 2002
2.		

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I

acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number

Filing Date

- 1.
- 2.
- 3.

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and I direct that all correspondence be addressed to that Customer Number.

Customer Number: **020306**

Principal attorney or agent: **Michael S. Greenfield**

Telephone number: **312-913-0001**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Pascal Druzgala

Inventor's signature: Pascal Druzgala

Date: 3-8-2005

Residence: 120 Hatona Drive, Santa Rosa, California 95403

Citizenship: United States of America

Post Office Address: 120 Hatona Drive, Santa Rosa, California 95403

Full name of second joint inventor: Xiaoming Zhang

Inventor's signature: Xiaoming Zhang

Date: 3-10-05 *XB*

Residence: 2290 Cervantes Way, Campbell, California 95008

Citizenship: United States of America 1089 REMSEN CT. SUNNYVALE, CA 94087

Post Office Address: 2290 Cervantes Way, Campbell, California 95008

Full name of third joint inventor: Jurg R. Pfister

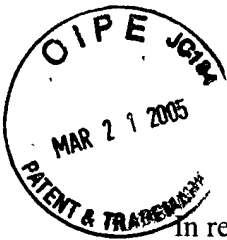
Inventor's signature: Jurg R. Pfister

Date: Feb. 26, 2005

Residence: 1500 Oak Ave., Los Altos, Ca 94024

Citizenship: USA

Post Office Address: 1500 Oak Ave., Los Altos, Ca 94024



PATENT

JEW

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TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
 - a) Petition Under 37 C.F.R. §1.48(a) To Correct Inventorship;
 - b) Statement of Jurg R. Pfister In Support of Petition Under 37 C.F.R. §1.48(a)
 - c) Declaration and Power of Attorney;
 - d) Consent of Assignee Submitted In Support of Petition Under 37 C.F.R. §1.48(a); and
 - e) Return Receipt Postcard.
2. With respect to fees:
 - a) A check in the amount of \$130.00 is enclosed.
 - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 16, 2005.

Respectfully submitted,

Dated: March 16, 2005


Bradley W. Crawford
Registration No. 50,494